

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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INTELLECTUAL PROPERTY DEPARTMENT
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PCT

WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference F-7172-PC		Date of Mailing (day/month/year) 20 NOV 2003
International application No. PCT/US02/24704		REPLY DUE within 2 months/days from the above date of mailing
International filing date (day/month/year) 06 August 2002 (06.08.2002)	Priority date (day/month/year) 07 August 2001 (07.08.2001)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): H04N 5/445; G06F 3/00, 13/00 and US Cl.: 725/39, 43-44, 47		
Applicant SCIENTIFIC-ATLANTA, INC.		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 06 December 2004 (06.12.2004).

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Hai Tran Telephone No. 703-306-0377
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WRITTEN OPINION

International application No.

PCT/US02/24704

I. Basis of the opinion

1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-27, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the claims:
 pages 28-34, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the drawings:
 pages 1-31, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-54</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-54</u>	NO
Industrial Applicability (IA)	Claims <u>1-54</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-54 lack an inventive step under PCT Article 33(3) as being obvious over WO 99/04560.

Harms discloses a system (Fig. 1) for providing interactive media services comprising:

Memory (ROM 324, SRAM 326 or EEPROM 328) for storing interactive program guide configuration data that is used to determine an IPG screen characteristic; and Logic 318 configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (page 15, lines 14-page 16, lines 33). Wherein the channel listing characteristic is from a group consisting of (Fig. 7): number of channels presented concurrently 800, type of channel presented 816 (favorite), order in which channel listing are presented (Channel order; 918 of Fig. 9), identity of channels presented (ABC, ABCW, CBS...), identity of an initially highlighted channel (relative position indicator; Fig. 7), orientation of channel listing (UP/Down scrolling Bar), location of channel listing (location on the display of Fig. 6-9). Wherein the time listing characteristic is from a group consisting of (Fig. 9): number of time listing presented concurrently, coverage of a time listing, identity of time listing presented, orientation of time listings, location of time listings.

As to limitation "wherein the video area characteristic is from a group consisting of: size, location and content" Harms does not clearly disclose it. However, it is reasonably obvious for one skilled in the art to configure an area (windows) within an EPG GUI so to provide a user an option to concurrently watching a TV program while browsing the EPG.

Claims 1-54 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

WO 99/04560A (HARMS et al.) 28 January 1999; Abstract; Whole Document.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.